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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,068	10/02/2001	Chia-Tin Chung	13732.IUS01	9067
23552	7590	08/20/2004	EXAMINER	
MERCHANT & GOULD PC			GARRETT, DAWN L	
P.O. BOX 2903			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-0903			1774	

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/970,068	CHUNG ET AL.
	Examiner Dawn Garrett	Art Unit 1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 June 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 3-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 6-11 is/are allowed.
- 6) Claim(s) 1,4,5,12,14-18 and 20-27 is/are rejected.
- 7) Claim(s) 3,13 and 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is responsive to the amendment dated June 1, 2004. Claims 1, 6, 12, 17, and 23 were amended. Claims 24-27 were added. Claim 2 is canceled. Claims 1 and 3-27 are pending.
2. The objections of claims 6-12 set forth in the Office action mailed March 1, 2004 are withdrawn.
3. The rejection of claims 1, 3, 12, 13, 16-19, 22, and 23 under 35 USC 102(e) as being anticipated by Yamazaki et al. (US 2002/0125817 A1) is withdrawn due to the amendment.
4. The rejection of claims 4, 5, 14, 15, 20 and 21 under 35 USC 103(a) as being unpatentable over Yamazaki et al. (US 2002/0125817 A1) in view of Nishio et al. (US 6,624,570) is withdrawn due to the amendment.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Objections***

6. Claim 27 is objected to because of the following informalities: Claim 27 uses the term “sealing substrate”, whereas claim 23 uses the term “sealing case”. Consistent claim terminology is suggested. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 4, 12, 14, 16-18, 20, and 22-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Endo et al. (EP 1021070). Endo et al. discloses an organic electroluminescent device (3) disposed on a substrate (1). The device is covered by a top substrate (2) (sealing case) and is surrounded by a desiccant (5) disposed on the substrate, which is further surrounded by a sealant (4) (see Fig. 1 and par. 61). With regard to claims 4, 14, and 20, the drying layer 95 comprises a desiccant/resin mixture (see par. 107). With regard to claim 18, the resin is considered to be an adhesion agent. Endo et al. discloses a laminate EL body with regard to claims 1 and 16 (see “Preparation of Organic EL Device”, par. 128 and following).

***Claim Rejections - 35 USC § 103***

9. Claims 5, 15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. (EP 1021070). Endo et al. is relied upon as set forth above. Although Endo et al. fails to exemplify calcium oxide as the desiccant in the examples, Endo et al. does teach calcium oxide as a desiccant material for the device (see par. 38). It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected calcium oxide as the desiccant material, because Endo et al. generally teaches calcium oxide for the desiccant (5).

***Response to Arguments***

10. Applicant's arguments with respect to claims 1 and 3-27 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

11. Claims 3, 13, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims. Endo et al. (EP 1021070) is considered to be the closest prior art. Endo et al. teaches waxes, fats, oils and high-molecular resins for the drying layer (5) (see par. 42), but fails to teach or to render obvious a resin that is a UV-curing type resin. In the examples, Endo et al. only teaches curing of the desiccant/resin mixture by heat (see columns 20 and 21) and Endo et al. does not describe any of the resins listed in the specification as UV-curing type resins.

Claims 6-11 are allowed for the reasons previously set forth in paper no. 5, paragraph 9.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is 571-272-1523. The

examiner can normally be reached Monday through Friday during normal business hours. Please allow the examiner twenty-four hours to return your call.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached at 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*DAWN GARRETT*  
DAWN GARRETT  
PRIMARY EXAMINER  
ART UNIT 1774

D.G.  
August 17, 2004